

REMARKS

The present application was filed on March 6, 2001 with claims 1-23. In the outstanding Office Action dated April 22, 2004, the Examiner has: (i) objected to claims 1-12, 16 and 20-23; (ii) rejected claims 1-3, 5, 7, 13-17 and 19-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,473,506 to Höök et al. (Hereinafter “Höök”), in view of U.S. Patent No. 6,690,751 to Nikula et al. (hereinafter “Nikula”); (iii) rejected claims 4, 6, 11, 12, 15 and 18 under §103(a) as being unpatentable over Höök and Nikula, and further in view of U.S. Patent No. 6,687,507 to Fischer et al. (hereinafter “Fischer”); and (iv) indicated that claims 8-10 are allowable.

In this response, claims 8 and 14 have been canceled, and claims 1, 3, 9, 10, 13, 15, 16, 20 and 23 have been amended. The specification has been amended to correct a minor typographical error. Applicant respectfully requests reconsideration of the present application in view of the above amendments and the following remarks.

The Examiner has objected to the claim 1, and similarly claims 16 and 20, indicating that the parameter “m” set forth in these claims should be clearly defined (Office Action; page 2, first paragraph). Additionally, the Examiner has objected to claims 3 and 23, suggesting that the definition of the term “GMSK” recited in each of these claims should be consistent (Office Action; page 2, first paragraph). Applicant has amended claims 1, 3, 16, 20 and 23 in a manner which is believed to address the Examiner’s objections. Accordingly, favorable reconsideration and allowance of these claims are respectfully solicited.

Claims 9, 10 and 15 have been amended to correct their dependency from claims that have been canceled in the present Amendment, namely, claims 8 and 14. These amendments were not made in view of the prior art. Accordingly, favorable reconsideration and allowance of claims 9, 10 and 15 are respectfully requested.

Claims 1-3, 5, 7, 13-17 and 19-23 stand rejected under §103(a) as being unpatentable over Höök and Nikula. With regard to independent claims 1, 13 and 20, which are of similar scope, the Examiner contends that the combination of Höök and Nikula discloses all of the elements set forth in the subject claims. While Applicant may disagree with this contention, claims 1, 13 and 20 have been amended to further clarify the invention. Specifically, these claims have been amended to further define the phase rotator as comprising “an adder including first and second inputs and an

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output, the first input of the adder being operatively coupled to the output of the *m*-PSK modulator; and a ramp generator operatively coupled to the second input of the adder, wherein the ramp generator is responsive to the controller for selectively generating a phase ramp signal having at least one of a first slope in the first mode of operation and a second slope in the second mode of operation.” These features are set forth in claim 8, now canceled, which the Examiner has acknowledged as containing allowable subject matter.

For at least the reasons given above, Applicant submits that claims 1, 13 and 20, as amended, are patentable over the prior art of record. Accordingly, favorable reconsideration and allowance of claims 1, 13 and 20 are respectfully requested.

With regard to claims 2, 3, 5 and 7, which depend from claim 1, claims 15-17 and 19, which depend from claim 13, and claims 21-23, which depend from claim 20, Applicant submits that these claims are also patentable over the prior art at least by virtue of their dependency from their respective base claims. Moreover, one or more of these claims define additional patentable subject matter in their own right. Accordingly, favorable reconsideration and allowance of claims 2, 3, 5, 7, 15-17, 19 and 21-23 are respectfully solicited.

Claims 4, 6, 11, 12, 15 and 18 stand rejected under §103(a) as being unpatentable over Höök and Nikula, and further in view of Fischer. While disagreeing with the Examiner’s contention that Fischer supplements the deficiencies of Höök and Nikula, Applicant asserts that claims 4, 6, 11 and 12, which depend from claim 1, and claims 15 and 18, which depend from claim 13, are also patentable over the prior art at least by virtue of their dependency from their respective amended base claims. Moreover, one or more of these claims define additional patentable subject matter in their own right. Accordingly, favorable reconsideration and allowance of claims 4, 6, 11, 12, 15 and 18 are respectfully requested.

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In view of the foregoing, Applicant believes that claims 1-7, 9-13 and 15-23, which are currently pending in the application, are in condition for allowance, and respectfully requests withdrawal of the §103 rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Ellenbogen", with a long horizontal flourish extending to the right.

Date: July 30, 2004

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